IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. 10/650,165
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Inventorship .... Curtis Reese, et al.
Applicant/Appellant .... Hewlett-Packard Company
Group Art Unit.. 2625
Examiner .... PHAM, Thierry L.
Confirmation No. 7054
Attorney's Docket No. 100202879-1
Title: Remote Printer Management Via Email

APPEAL BRIEF

To: MS Appeal Brief - Patents
        Commissioner for Patents
        P.O. Box 1450
        Alexandria, VA 22313-1450

Sir:

As required under 37 C.F.R. §41.37(a), this brief is filed within two months of the Notice of Appeal filed in this case on February 13, 2009, and is in furtherance to the Notice of Appeal.

This brief contains items under the following headings as required by 37 C.F.R. §41.37 and M.P.E.P. §1206:

I.   Real Party In Interest
II.   Related Appeals, Interferences, and Judicial Proceedings
III.   Status of Claims
IV.   Status of Amendments
V.   Summary of Claimed Subject Matter
VI.   Grounds of Rejection to be Reviewed on Appeal
VII.   Argument
VIII. Claims Appendix
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X.   Related Proceedings Appendix

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is Hewlett-Packard Development Company, L.P., a Texas Limited Partnership having its principal place of business in Houston, Texas.

II. RELATED APPEALS, INTERFERENCES, AND JUDICIAL PROCEEDINGS

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 15 claims pending in this application (Claims 1-5, 10-13, and 16-21).

B. Current Status of Claims
1. Claims canceled: 6-9 and 14-15.
2. Claims withdrawn from consideration but not canceled: none.
3. Claims pending: 1-5, 10-13, and 16-21.
4. Claims allowed: none.
5. Claims rejected: 1-5, 10-13, and 16-21.

C. Claims on Appeal

The claims on appeal are claims 1-5, 10-13, and 16-21.

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IV. STATUS OF AMENDMENTS

Appellant last amended the claims in an Amendment and Response filed on March 10, 2008. Therefore the claims on appeal (as reflected in the claim appendix) are the claims presented in the Amendment and Response filed on March 10, 2008 and have already been entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

According to claim 1, a method for remotely monitoring a printer status. The method comprising displaying a list of selectable printer status objects (233 in FIG. 3A and 3B; p. 11, ll. 3-26; p. 12, l. 9 to p. 13, l. 31; p. 14, l. 12 to p. 15, l. 27) on a display device (193 in FIG. 2; p. 6, ll. 22-27; p. 8; ll. 17-20; p. 10, ll. 20-25; p. 11, 3-26; p. 13, ll. 17-25; p. 16, ll. 9-13) in a remote client (106 in FIG. 1 and 2; p. 2, l. 19 to p. 17, l. 9) in data communication with a printer (103 in FIG. 1 and 2; p. 2, l. 19 to p. 16, l. 31), where a name of each of the printer status objects (233 in FIG. 3A and 3B) is displayed in a printer management language native to the printer (103 in FIG. 1 and 2). The method comprising selecting one of the printer status objects from the list of selectable printer status objects (233 in FIG. 3A and 3B) in the remote client (106 in FIG. 1 and 2). The method comprising generating (276 in FIG. 4; p. p. 14, ll. 28-29; p. 15, ll. 27-32) an email (153 in FIG. 1; p. 3, 32 to p. 5, l. 29; p. 6, ll. 13- 27; p. 14, l. 30 to p. 15, l. 5; p. 15, l. 29 to p. 16, l. 13) in the remote client (106 in FIG. 1 and 2). The method comprising writing a status request (283 in FIG. 4; p. 15, ll. 22-27) into the email (153 in FIG. 1) in a printer management language native to the printer (103 in FIG. 1 and 2), the status request requesting a current status of the selected one of the printer status objects (233 in FIG. 3A and 3B) in the printer (103 in FIG. 1 and 2). The method comprising transmitting (286 in FIG. 4; p. 15, l. 33 to p. 16, l. 2) the email (153 in FIG. 1) to the printer (103 in FIG. 1 and 2). The method comprising receiving a reply email (156 in FIG. 1; p. 6, ll. 4-27; p. 13, ll. 26-31; p. 16, l. 2 to p. 17, l. 10) from the printer (103 in FIG. 1 and 2) that includes the current

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status of the selected one of the printer status objects (233 in FIG. 3A and 3B) in the printer (103 in FIG. 1 and 2), the current status being expressed in the printer management language native to the printer (103 in FIG. 1 and 2).

According to claim 10, a system (123 in FIG. 1; p. 2, l. 31 to p. 17, l. 3) for remotely monitoring printer status, comprising: a processor circuit (having a processor and a memory, and a remote printer management system stored in the memory and executable by the processor). The printer monitoring system (123 in FIG. 1) comprising logic that displays a list of selectable printer status objects (233 in FIG. 3A and 3B; p. 11, ll. 3-26; p. 12, l. 9 to p. 13, l. 31; p. 14, l. 12 to p. 15, l. 27) on a display device (193 in FIG. 2; p. 6, ll. 22-27; p. 8, ll. 17-20; p. 10, ll. 20-25; p. 11, 3-26; p. 13, ll. 17-25; p. 16, ll. 9-13) by displaying a name of each of the printer status objects (233 in FIG. 3A and 3B) in the printer management language native to a printer (103 in FIG. 1 and 2; p. 2, l. 19 to p. 16, l. 31). The printer monitoring system (123 in FIG. 1) comprising logic that facilitates a selection of one of the printer status objects (233 in FIG. 3A and 3B) from among the list of selectable printer status objects (233 in FIG. 3A and 3B). The printer monitoring system (123 in FIG. 1) comprising logic that generates an email (153 in FIG. 1; p. 3, 32 to p. 5, l. 29; p. 6, ll. 13-27; p. 14, l. 30 to p. 15, l. 5; p. 15, l. 29 to p. 16, l. 13) to be transmitted to a printer (103 in FIG. 1 and 2). The printer monitoring system (123 in FIG. 1) comprising logic that writes a request (283 in FIG. 4; p. 15, ll. 22-27) for a status of the selected one of the printer status objects (233 in FIG. 3A and 3B) in the printer (103 in FIG. 1 and 2) into the email (153 in FIG. 1), the request (283 in FIG. 4) being expressed in a printer management language native to the printer (103 in FIG. 1 and 2). The printer monitoring system (123 in FIG. 1) comprising logic that transmits the email (153 in FIG. 1) to the printer (103 in FIG. 1 and 2) to receive a reply email 156 in FIG. 1; p. 6, ll. 4-27; p. 13, ll. 26-31; p. 16, l. 2 to p. 17, l. 10) from the printer (103 in FIG. 1 and 2) that includes the current status of the selected one of the printer status objects (233 in FIG. 3A and 3B) in the printer (103 in FIG. 1 and 2).

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According to claim 16, a program stored in a computer-readable medium for remotely monitoring printer status. The program comprising code that displays a list of selectable printer status objects (233 in FIG. 3A and 3B; p. 11, ll. 3-26; p. 12, l. 9 to p. 13, l. 31; p. 14, l. 12 to p. 15, l. 27) on a display device (193 in FIG. 2; p. 6, ll. 22-27; p. 8, ll. 17-20; p. 10, ll. 20-25; p. 11, 3-26; p. 13, ll. 17-25; p. 16, ll. 9-13) by displaying a name of each of the printer status objects (233 in FIG. 3A and 3B) in the printer management language native to a printer (103 in FIG. 1 and 2; p. 2, l. 19 to p. 16, l. 31). The program comprising code that facilitates a selection of one of the printer status objects (233 in FIG. 3A and 3B) from among the list of selectable printer status objects (233 in FIG. 3A and 3B) specified in a management information base (MIB) applicable to a printer (103 in FIG. 1 and 2). The program comprising code that generates an email (153 in FIG. 1; p. 3, 32 to p. 5, l. 29; p. 6, ll. 13- 27; p. 14, l. 30 to p. 15, l. 5; p. 15, l. 29 to p. 16, l. 13) to be transmitted to the printer (103 in FIG. 1 and 2). The program comprising code that writes a request (283 in FIG. 4; p. 15, ll. 22-27) for a status of the selected one of the printer status objects (233 in FIG. 3A and 3B) in the printer (103 in FIG. 1 and 2) into the email (153 in FIG. 1), the request (283 in FIG. 4) being expressed in a printer management language native to the printer 103 in FIG. 1 and 2). The program comprising code that transmits the email (153 in FIG. 1) to the printer (103 in FIG. 1 and 2) to receive a reply email (156 in FIG. 1; p. 6, ll. 4-27; p. 13, ll. 26-31; p. 16, l. 2 to p. 17, l. 10) from the printer (103 in FIG. 1 and 2) that includes the current status of the selected one of the printer status objects (233 in FIG. 3A and 3B) in the printer (103 in FIG. 1 and 2).

According to claim 20, a system (123 in FIG. 1; p. 2, l. 31 to p. 17, l. 3) for remotely monitoring printer status. The system (123 in FIG. 1) comprising means for displaying a list of selectable printer status objects (233 in FIG. 3A and 3B; p. 11, ll. 3-26; p. 12, l. 9 to p. 13, l. 31; p. 14, l. 12 to p. 15, l. 27) on a display device (193 in FIG. 2; p. 6, ll. 22-27; p. 8, ll. 17-20; p. 10, ll. 20-25; p.

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11, 3-26; p. 13, II. 17-25; p. 16, II. 9-13) by displaying a name of each of the printer status objects (233 in FIG. 3A and 3B) in the printer management language native to a printer (103 in FIG. 1 and 2; p. 2, l. 19 to p. 16, l. 31). The system (123 in FIG. 1) comprising means for facilitating a selection of one of the printer status objects (233 in FIG. 3A and 3B) from the list of selectable printer status objects (233 in FIG. 3A and 3B) specified in a management information base (MIB) applicable to a printer (103 in FIG. 1 and 2). The system (123 in FIG. 1) comprising means for generating an email (153 in FIG. 1; p. 3, 32 to p. 5, l. 29; p. 6, II. 13- 27; p. 14, l. 30 to p. 15, l. 5; p. 15, l. 29 to p. 16, l. 13) to be transmitted to the printer (103 in FIG. 1 and 2). The system (123 in FIG. 1) comprising means for writing a request for a status of the selected one of the printer status objects (233 in FIG. 3A and 3B) in the printer (103 in FIG. 1 and 2) into the email (153 in FIG. 1), the request being expressed in a printer management language native to the printer (103 in FIG. 1 and 2). The system (123 in FIG. 1) comprising means for transmitting the email (153 in FIG. 1) to the printer (103 in FIG. 1 and 2) to receive a reply email (156 in FIG. 1; p. 6, II. 4-27; p. 13, II. 26-31; p. 16, l. 2 to p. 17, l. 10) from the printer (103 in FIG. 1 and 2) that includes the current status of the selected one of the printer status objects (233 in FIG. 3A and 3B) in the printer (103 in FIG. 1 and 2).

According to claim 21, a method for remotely configuring a printer (103 in FIG. 1 and 2; p. 2, l. 19 to p. 16, l. 31). The method comprising displaying a list of selectable printer status objects (233 in FIG. 3A and 3B; p. 11, II. 3-26; p. 12, l. 9 to p. 13, l. 31; p. 14, l. 12 to p. 15, l. 27) on a display device (193 in FIG. 2; p. 6, II. 22-27; p. 8, II. 17-20; p. 10, II. 20-25; p. 11, 3-26; p. 13, II. 17-25; p. 16, II. 9-13) by displaying a name of each of the printer status objects (233 in FIG. 3A and 3B) in the printer management language native to a printer (103 in FIG. 1 and 2). The method comprising selecting a printer status object (233 in FIG. 3A and 3B) from among the list of selectable printer status objects (233 in FIG. 3A and 3B) in a remote client (106 in FIG. 1 and 2; p. 2, l. 19 to p.

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17, l. 9) in data communication with a printer (103 in FIG. 1 and 2). The method comprising generating an email (153 in FIG. 1; p. 3, 32 to p. 5, l. 29; p. 6, ll. 13- 27; p. 14, l. 30 to p. 15, l. 5; p. 15, l. 29 to p. 16, l. 13) in the remote client (106 in FIG. 1 and 2). The method comprising writing a command to manipulate a configuration of the printer (103 in FIG. 1 and 2) into the email (153 in FIG. 1) in a printer management language native to the printer (103 in FIG. 1 and 2). The method comprising transmitting the email (153 in FIG. 1) to the printer (103 in FIG. 1 and 2). The method comprising receiving a reply email (156 in FIG. 1; p. 6, ll. 4-27; p. 13, ll. 26-31; p. 16, l. 2 to p. 17, l. 10) from the printer (103 in FIG. 1 and 2) that acknowledges a modification of the configuration of the printer (103 in FIG. 1 and 2) in response to the command.

The summary is set forth in several exemplary embodiments that correspond to the independent claims. It is noted that no dependent claims containing means plus function are argued separately. Discussions about elements and recitations to these claims can be found at least at the cited locations in the specification and drawings.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The Final Office Action rejected claims 1-5, 10-13, and 16-21 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,931,447 to Hemstreet, et al. ("Hemstreet"). Appellant requests the Board to review each of these grounds of rejection.

VII. ARGUMENT

Rejection under 35 U.S.C. §102(e)

Claims 1-5, 10-13, and 16-21 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hemstreet.

It is well settled that invalidity for anticipation requires that a single prior art reference disclose each claim recitation. <u>Every element</u> must be literally present, arranged as in the claim.

<u>Independent Claim 1</u>

Claim 1 recites "displaying a list of selectable printer status objects on a display device in a remote client in data communication with a printer, <u>where a name of each of the printer status objects is displayed in a printer management language native to the printer</u>" [Emphasis added]. Hemstreet does not disclose at least these recitations.

The Examiner relies on Figure 2 in Hemstreet as showing selectable printer status objects. Figure 2 shows a web page 200 such as may be displayed in Internet Browser 119 at the clients 11 in Figure 1A). See, e.g., Hemstreet at col. 7, lines 47-50 and 60-64. The selectable printer status objects are shown in Figure 2 as, for example, 'Ink Low' and 'Out of Paper'. Clearly these are displayed in 'user-friendly' format, and not displayed in a printer management language native to the printer.

To account for this deficiency, the Examiner relies on the status server 109 in Hemstreet using a Printer Management Language (PML) (col. 6, lines 58-67). However, the status server 109 is in the server 107 which is embedded in the printer 105. See, e.g., Figure 1B in Hemstreet, and col. 6, lines 17-20. In Hemstreet, the status objects being displayed at the client 111 (Figure 2) are selected and then sent to the server 107 (see, e.g., col. 7, lines 60-67). The status server 109 transposes device specific language, e.g., HP-PML formatted device driver, into a PML language for use by the other Server 107 components." Hemstreet at col. 6, line 65 to col. 7, line 1.

Therefore, the Examiner is misinterpreting Hemstreet. Hemstreet cannot be fairly interpreted as displaying a list of selectable printer status objects on a display device in a remote client in data communication with a printer, where a name of each of the printer status objects is displayed in a printer management language native to the printer.

Displaying the status objects in a printer management language eliminates the need for translation between user-friendly terms and printer management language terms that are usually stored in management information bases associated with printers (e.g., as is the case in Hemstreet). Thus, the remote printer management system 133 executed on a remote device is more simple and smaller as it does not need to account for translation between printer management language terms and user-friendly terms. Similarly, such functionality is also not needed in the printer. Accordingly, typical calls to printers to obtain status objects and other information may be employed without making changes to the printers, thereby enabling the functionality for legacy equipment.

In the Final Office Action, the Examiner also states that "Features/limitations as cited in claims 1, 10, 16, 20-21 do not clearly specify how or where a list of selectable printer status object are created/generated. . . . Hemstreet clearly teaches a list of selectable objects are created/generated at a printer via using embedded server 107 (using PML Language via status server 109) and to display such objects on a client's monitor when user/operator/client uses his/her computer to access the embedded-server printer via using URL address" [Quoted from pages 7-8 in the Final Office Action]. While Hemstreet may generate objects using PML, and then display the objects in user-friendly format, this still does not account for the missing recitations of where a name of each of the printer status objects is displayed in a printer management language native to the printer.

For at least the foregoing reasons, the Examiner has failed to establish that independent claim 1 is anticipated by Hemstreet.

Dependent Claims 2-5

Claims 2-5 depend from claim 1, which is believed to be allowable. Therefore, claims 2-5 are also believed to be allowable for at least the same reasons as claim 1.

Independent Claim 10

Claim 10 recites "logic that displays a list of selectable printer status objects on a display device by displaying a name of each of the printer status objects in the printer management language native to a printer." At least these recitations are not disclosed by Hemstreet, as discussed above in more detail with regard to claim 1.

For at least the foregoing reasons, the Examiner has failed to establish that independent claim 10 is anticipated by Hemstreet.

Dependent Claims 11-13

Claims 11-13 depend from claim 10, which is believed to be allowable. Therefore, claims 11-13 are also believed to be allowable for at least the same reasons as claim 10.

Independent Claim 16

Claim 16 recites "code that displays a list of selectable printer status objects on a display device by displaying a name of each of the printer status objects in the printer management language native to a printer." At least these

recitations are not disclosed by Hemstreet, as discussed above in more detail with regard to claim 1.

For at least the foregoing reasons, the Examiner has failed to establish that independent claim 16 is anticipated by Hemstreet.

Dependent Claims 17-19

Claims 17-19 depend from claim 16, which is believed to be allowable. Therefore, claims 17-19 are also believed to be allowable for at least the same reasons as claim 16.

Independent Claim 20

Claim 20 recites "means for displaying a list of selectable printer status objects on a display device by displaying a name of each of the printer status objects in the printer management language native to a printer." At least these recitations are not disclosed by Hemstreet, as discussed above in more detail with regard to claim 1.

For at least the foregoing reasons, the Examiner has failed to establish that independent claim 20 is anticipated by Hemstreet.

Independent Claim 21

Claim 21 recites "displaying a list of selectable printer status objects on a display device by displaying a name of each of the printer status objects in the printer management language native to a printer." At least these recitations are not disclosed by Hemstreet, as discussed above in more detail with regard to claim 1.

For at least the foregoing reasons, the Examiner has failed to establish that independent claim 21 is anticipated by Hemstreet.

Conclusion

For the reasons provided herein, Appellant respectfully requests the Board to rule that the rejections of the claims are improper.

Respectfully Submitted,

/Mark D. Trenner/

Dated: ___April 4, 2009___   By: _____

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VIII. CLAIMS APPENDIX

1.   A method for remotely monitoring a printer status, comprising the steps of:

displaying a list of selectable printer status objects on a display device in a remote client in data communication with a printer, where a name of each of the printer status objects is displayed in a printer management language native to the printer;

selecting one of the printer status objects from the list of selectable printer status objects in the remote client;

generating an email in the remote client;

writing a status request into the email in a printer management language native to the printer, the status request requesting a current status of the selected one of the printer status objects in the printer;

transmitting the email to the printer; and

receiving a reply email from the printer that includes the current status of the selected one of the printer status objects in the printer, the current status being expressed in the printer management language native to the printer.

2.   The method of claim 1, further comprising the steps of:

generating an initial email in the remote client;

writing a request for the list of selectable printer status objects into the initial email;

receiving an initial reply email from the printer, the initial reply including the list of selectable printer status objects; and

parsing the initial reply email to obtain the list of selectable printer status objects from the initial reply email.

3.   The method of claim 1, further comprising the step of obtaining the list of selectable printer status objects from a server in data communication with the remote client.

4.   The method of claim 1, further comprising the steps of:

parsing the reply email to identify the current status of the selected one of the printer status objects; and

displaying the current status associated with the selected one of the printer status objects.

5.   The method of claim 1, further comprising the step of displaying the reply email with the current status of the printer status object.

10.   A system for remotely monitoring printer status, comprising:

a processor circuit having a processor and a memory;

a remote printer management system stored in the memory and executable by the processor, the printer monitoring system comprising:

logic that displays a list of selectable printer status objects on a display device by displaying a name of each of the printer status objects in the printer management language native to a printer;

logic that facilitates a selection of one of the printer status objects from among the list of selectable printer status objects;

logic that generates an email to be transmitted to a printer;

logic that writes a request for a status of the selected one of the printer status objects in the printer into the email, the request being expressed in a printer management language native to the printer; and

logic that transmits the email to the printer to receive a reply email from the printer that includes the current status of the selected one of the printer status objects in the printer.

11.   The system of claim 10, wherein the remote printer management system further comprises:

logic that generates an initial email to be transmitted to the printer;

logic that writes a request for the list of selectable printer status objects into the initial email; and

logic that parses an initial reply email received from the printer to identify the list of selectable printer status objects included in the initial reply email.

12.   The system of claim 10, wherein the remote printer management system further comprises logic that requests the list of selectable printer status objects from a server through a network.

13.   The system of claim 10, wherein the remote printer management system further comprises:

logic that parses the reply email to identify the current status of the selected one of the printer status objects included therein; and

logic that displays the current status associated with the selected one of the printer status objects.

16.   A program stored in a computer-readable medium for remotely monitoring printer status, comprising:

code that displays a list of selectable printer status objects on a display device by displaying a name of each of the printer status objects in the printer management language native to a printer;

code that facilitates a selection of one of the printer status objects from among the list of selectable printer status objects specified in a management information base (MIB) applicable to a printer;

code that generates an email to be transmitted to the printer;

code that writes a request for a status of the selected one of the printer status objects in the printer into the email, the request being expressed in a printer management language native to the printer; and

code that transmits the email to the printer to receive a reply email from the printer that includes the current status of the selected one of the printer status objects in the printer.

17.   The program stored in a computer-readable medium of claim 16, further comprising:

code that generates an initial email to be transmitted to the printer;

code that writes a request for the list of selectable printer status objects into the initial email; and

code that parses an initial reply email received from the printer to identify the list of selectable printer status objects included in the initial reply email.

18.   The program stored in a computer-readable medium of claim 16, further comprising code that requests the list of selectable printer status objects from a server through a network.

19.   The program stored in a computer-readable medium of claim 16, further comprising:

code that parses the reply email to identify the current status of the selected one of the printer status objects included therein; and

code that displays the current status associated with the selected one of the printer status objects.

20. A system for remotely monitoring printer status, comprising:

means for displaying a list of selectable printer status objects on a display device by displaying a name of each of the printer status objects in the printer management language native to a printer;

means for facilitating a selection of one of the printer status objects from the list of selectable printer status objects specified in a management information base (MIB) applicable to a printer;

means for generating an email to be transmitted to the printer;

means for writing a request for a status of the selected one of the printer status objects in the printer into the email, the request being expressed in a printer management language native to the printer; and

means for transmitting the email to the printer to receive a reply email from the printer that includes the current status of the selected one of the printer status objects in the printer.

21. A method for remotely configuring a printer, comprising the steps of:

displaying a list of selectable printer status objects on a display device by displaying a name of each of the printer status objects in the printer management language native to a printer;

selecting a printer status object from among the list of selectable printer status objects in a remote client in data communication with a printer;

generating an email in the remote client;

writing a command to manipulate a configuration of the printer into the email in a printer management language native to the printer;

transmitting the email to the printer; and

receiving a reply email from the printer that acknowledges a modification of the configuration of the printer in response to the command.

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IX.   EVIDENCE APPENDIX

Not applicable.

X.   RELATED PROCEEDINGS APPENDIX

Not applicable.